



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Helge KNIEB et al.

Examiner: Samuel M. Heinrich

Serial No.: 09/833,708

Group Art Unit: 1725

Filed: April 13, 2001

Title: LASER-MARKABLE PLASTICS

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated September 18, 2002, Applicant's hereby elect with traverse Group I, Claims 1-8, 10 and 14 drawn to laser-markable plastics.

The basis for the restriction between Groups I and II is not factually proper. Groups I and II – i.e., the laser-markable plastic and a method of producing it – are not related as product and process of use, as alleged in the Office Action. In order to support a restriction between a product and a process of making it, it must be shown that the product can be made by a materially different process or the process can be used to make a materially different product. No support for either of these bases is provided on the record. Because claim 9 is dependent upon claim 1, clearly the process is used only for making this product.

As to the restriction between Groups I and III, this is traversed on the grounds that the examination of the groups of invention indicated in the Office Action together would not amount to a serious burden upon the PTO. In the absence of a serious burden of examination, restriction is not proper. See M.P.E.P. §803. Thus, the requirement should be withdrawn.

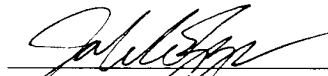
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No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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